

House Government Operations Committee 1

Amendment No. 1 to HB1760

Rudder
Signature of Sponsor

AMEND Senate Bill No. 1682*

House Bill No. 1760

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-31-101(2), is amended by deleting "standards committee" and substituting instead "standards advisory committee".

SECTION 2. Tennessee Code Annotated, Section 63-31-103(a), is amended by deleting the subsection and substituting instead the following:

There is created the polysomnography professional standards advisory committee. The committee is to advise the board in the performance of its duties under this chapter.

SECTION 3. Tennessee Code Annotated, Section 63-31-103, is amended by deleting subsections (l) and (m).

SECTION 4. Tennessee Code Annotated, Section 63-31-104, is amended by deleting the section and substituting instead the following:

The board has the power to:

(1) Promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that are necessary for the implementation and administration of this chapter;

(2) Establish the fees for temporary permits and for initial certification, renewal or reinstatement of a certification, late renewal of a certification, and replacement of a lost certification, at a level that is adequate to pay the expenses of implementing and administering this chapter, in accordance with § 63-1-137;

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(3) Review and approve or reject the application of each person who applies for a specialty occupation certification as a polysomnographic technologist;

(4) Biennially review and approve or reject each application for a specialty occupational certification as a polysomnography technologist;

(5) Issue, in the board's name, all temporary permits and all approved certification and renewal of certification;

(6) Collect or receive all fees, fines, and money owed pursuant to this chapter and pay the fees, fines, and money into the general fund of the state;

(7) Deny, suspend, revoke, restrict, or impose one (1) or more conditions on a certification as the board deems necessary or appropriate at the time a person is certified, renewed, or reinstated, or as a sanction imposed at the conclusion of a disciplinary hearing; provided that the board's actions are consistent with chapter 1, part 1 of this title;

(8) Issue private advisory letter rulings to any person certified under this chapter who makes a request for a ruling regarding any matter within the board's jurisdiction; provided, however, that the ruling affects only the person certified making the inquiry and has precedential value for any other contested case or inquiry before the board;

(9) Develop a code of ethics for the practice of polysomnography in this state;

(10) Develop standards of care for the practice of polysomnography in this state;

(11) Develop standards for the educational and clinical training of polysomnographic technologists, including the evaluation of the accreditation status of educational programs in polysomnography;

(12) Develop continuing education requirements for certified polysomnographic technologists; and

(13) Conduct disciplinary hearings in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and impose sanctions the board deems appropriate against an applicant, certified polysomnographic technologist, or a person who is not certified pursuant to this chapter but represents to the public that such person holds a specialty occupational certification as a polysomnography technologist.

SECTION 5. Tennessee Code Annotated, Section 63-31-105, is amended by deleting the section.

SECTION 6. Tennessee Code Annotated, Section 63-31-106, is amended by deleting the section and substituting instead the following:

(a)

(1) With the exception of subdivision (a)(2), a person may hold a specialty occupational certification as a polysomnography technologist. It is unlawful for an uncertified person to represent to the public that the person is certified under this chapter.

(2) A person who is licensed to practice polysomnography on the date immediately preceding the effective date of this act is automatically qualified to be certified and all such fees for the person are waived.

(b) A person seeking to be certified as a polysomnographic technologist must be at least eighteen (18) years of age, must pay the fees established by the board for certification, and must present proof that the person satisfies the following requirements:

(1) The person meets one (1) of the following educational requirements:

(A) Graduated from a polysomnographic educational program that is accredited by the Commission on Accreditation of Allied Health Education Programs;

(B) Graduated from a respiratory care educational program that is accredited by the Commission on Accreditation of Allied Health Education Programs and completion of the curriculum for a polysomnography certificate established and accredited by the Committee on Accreditation for Respiratory Care of the Commission on Accreditation of Allied Health Education Programs;

(C) Graduated from an electroneurodiagnostic technologist educational program with a polysomnographic technology track that is accredited by the Commission on Accreditation of Allied Health Education Programs; or

(D) Graduated from an accredited polysomnographic technologist educational program in this state;

(2) Has passed the national certifying examination given by the board of registered polysomnographic technologists;

(3) Is credentialed by the board of registered polysomnographic technologists; and

(4) Meets any additional educational or clinical requirements established by the board.

(c) A person who is engaged in the practice of polysomnography on July 1, 2007, is eligible for certification under this chapter and is exempt from the educational requirements of subdivision (b)(1); provided, that the person meets the requirements of subdivisions (b)(2)-(4).

(d) A polysomnographic technologist must continue to be credentialed by the board of registered polysomnographic technologists to be eligible for renewal of certification to engage in the practice of polysomnography.

SECTION 7. Tennessee Code Annotated, Section 63-31-107(a), is amended by deleting "licensed" and substituting instead "certified".

SECTION 8. Tennessee Code Annotated, Section 63-31-107(a)(5), is amended by deleting "to have a second license as a polysomnographic technologist" and substituting instead "to be certified by the board".

SECTION 9. Tennessee Code Annotated, Section 63-31-108, is amended by deleting the section and substituting instead the following:

(a) Certification must be issued and renewed by the board pursuant to the biennial issuance and renewal system of the division of health related boards.

(b) A person who has been issued a certificate to practice under this chapter who decides to retire that certification shall file with the board an affidavit on a form to be furnished by the board stating the date on which the person retired from practice and other facts that verify the retirement as the board deems necessary. If the person later decides to reenter practice, then such person shall request reinstatement of certification.

(c) A certificate issued by the board must contain the name of the person to whom it is issued, the mailing address of the person, the date and number of the certification, and other information that the board deems necessary. The address contained on the certificate must be the address where all correspondence and renewal forms from the board must be sent. A person whose address changes shall, within thirty

(30) days after the change in address, notify the board of the address change. The most recent address contained in the board's records for each certified person is the address deemed sufficient for purposes of service of process.

(d) A person certified pursuant to this chapter shall keep the certificate prominently displayed in the office or place in which the person practices or have it stored in a place from which it can be immediately produced upon request of a patient or representative of the department of health.

(e) A person whose certificate is lost may make application to the board for a replacement. The application must be accompanied by a written statement setting out the facts concerning the loss of the original certificate.

(f) A person whose name is changed by marriage or court order may surrender the person's certificate and apply to the board for a replacement certificate.

SECTION 10. Tennessee Code Annotated, Section 63-31-109, is amended by deleting the section.

SECTION 11. Tennessee Code Annotated, Section 63-31-111, is amended by deleting "license" wherever it appears and substituting instead "certificate".

SECTION 12. Tennessee Code Annotated, Section 63-31-112, is amended by deleting "committee" and substituting instead "board", and deleting subsection (c).

SECTION 13. Tennessee Code Annotated, Section 63-31-113, is amended by deleting "licensed" and substituting instead "certified".

SECTION 14. Tennessee Code Annotated, Section 63-31-114, is amended by deleting the section.

SECTION 15. Members of the polysomnography professional standard committee on December 31, 2020, shall continue to serve as members of the polysomnography standards advisory committee on January 1, 2021, subject to the will of the appointing authority.

SECTION 16. Tennessee Code Annotated, Section 4-29-241(a)(36), is amended by deleting the subdivision.

SECTION 17. Tennessee Code Annotated, Section 4-29-243(a), is amended by inserting the following as a new subdivision:

Polysomnography professional standards advisory committee, created by § 63-31-103;

SECTION 18. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.